

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Policies and Rules Implementing) CC Docket No. 93-22
the Telephone Disclosure and Dispute)
Resolution Act)

REPLY COMMENTS OF AMERITECH

Ameritech¹ submits these reply comments in response to the Commission's
Further Notice of Proposed Rule Making in this docket.²

* * *

Ameritech agrees with several commenters that suggest that the Commission not attempt to use local exchange carriers ("LECs") to police the information provider ("IP") industry by requiring that LECs have evidence of the required presubscription agreement before billing a customer for an information service accessed via any means other than a 900 number.³ In effect, placing additional restrictions on LECs, such as possibly requiring LECs to actually view or obtain copies of the written presubscription agreements, will increase the compliance burden for conscientious IPs and LECs. But, as pointed out in several of the comments, it will not likely deter unscrupulous IPs from deceptive and abusive practices. It may, for example, simply cause those IPs to either manufacture written presubscription agreements or abandon them entirely and employ other methods in pursuit of short term gain. For example, IPs could submit an 800 information service call for billing but reflect a POTS number as the dialed number in

¹ Ameritech means: Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, and Wisconsin Bell, Inc.

² In the Matter of Policies and Rules Implementing the Telephone Disclosure and Dispute Resolution Act, CC Docket No. 93-22, Order on Reconsideration and Further Notice of Proposed Rule Making, FCC 94-200 (released August 31, 1994) ("FNPRM").

³ See, e.g., comments of SNET, Rochester, Pennsylvania Public Utility Commission, California PUC, the USTA, GTE.

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the billing record. IPs could use a 10NXX0+ dialing pattern⁴ to get around the 900 blocking arrangements of hotels, businesses, hospitals, and concerned parents.

Requiring LECs to include compliance provisions in their billing contracts, and then reasonably enforce those provisions when problems become apparent, should be all that is required of LECs. While LECs would have to wait for complaints⁵ before discovering any abuses and taking corrective action, that is, in fact, the same remedy that would be available under the Commission's proposed rules with respect to any IP that "abuses" an 800 information service arrangement -- either by manufacturing false presubscription agreements or by submitting 800 pay-per-call charges for billing by disguising them as POTS calls.

On the other hand, the best way to address the problem of abusive IPs would be, as suggested by SNET, for the Federal Trade Commission ("FTC") to modify its rules to place the burden of compliance with ethical and non-deceptive business practices directly on the IPs themselves. Until the rules and penalties apply directly to IPs, there will be no incentive for the very small group of disreputable industry members not to try to "circumvent" the rules that apply only to common carriers. An FCC requirement that carriers include tariff provisions restricting IP actions does not discourage an unscrupulous, fly-by-night IP from trying to get away with something. As long as the regulations and associated penalties apply to carriers and not the IPs, there is virtually no harm in an IP's efforts to get around those limitations. If it is caught and the LEC terminates its billing arrangement, at best the service is shut down later than it would have been had the IP abandoned its shady practices earlier. At worst, the IP will just move on to another scam. Plus, the IP has had the benefit of the additional revenue in the interim. The ultimate solution, therefore, involves rules and enforcement action

⁴ As described in the comments of Southwestern Bell.

⁵ Screening all messages prior to billing would be impossible.

directed at the source of the problem -- at the few unscrupulous IPs themselves that give the entire industry a bad name.

* * *

With respect to the Commission's proposal to require the inclusion of additional information -- particularly the name and business telephone number of the service provider -- on the LEC bill, no commenting party provided any information that would explain why such a requirement is necessary. As Ameritech pointed out in its comments, the information, by Commission requirement, must be made available by the carrier that assigns the telephone number to the IP and submits the IP charges to the LEC for billing. Placing the additional information on the customer's bill is likely to create clutter and confusion for customers. Since there apparently have been no problems with the availability of the information, there is no reason for the Commission to reverse its earlier decision not to require that the additional information appear on the bill.⁶


* * *

With respect to the information requested by International Telemedia Associates on customers who have ordered 900 blocking, it should be noted that there exists no separate database containing that information. If the Commission orders LECs to

⁶ In the Matter of Policies and Rules Implementing the Telephone Disclosure and Dispute Resolution Act, CC Docket No. 93-22, Report and Order, FCC 93-349 (released August 13, 1993) at ¶ 72.

provide such information to IPs, it should also permit LECs to recoup all the costs associated with programming changes and searches required to extract the information from other databases and systems.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael S. Pabian".

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Dated: October 31, 1994

CERTIFICATE OF SERVICE

I, Deborah L. Thrower do hereby certify that a copy of the foregoing Reply Comments of Ameritech has been served on the parties listed on the attached service list, by first class mail, postage prepaid, on this 31st day of October 1994.

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